

AN
APPEAL TO THE PUBLIC,
BY
MEMBERS
OF THE
MEDICAL PROFESSION.

NEW-YORK:
G. F. NESBITT & CO., PRINTERS AND STATIONERS,
CORNER OF PEARL AND PINE STREETS.

Executive Committee of Physicians and Surgeons
Interested in Raising a National Testimonial
for the Discoverer of the Anaesthetic Uses of
Sulphuric Ether.

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[1857?]

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G. F. NESBITT & CO., PRINTERS AND STATIONERS,
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SIR:

We desire your attention for a moment to a subject that concerns us all. About twelve years ago it was discovered that physical torture was no longer a necessary accompaniment of the surgeon's knife, and that generations yet to be born might come into the world unattended by the pain and dread which had caused tears to flow since the expulsion from Eden; that, by a few inspirations of a simple vapor, the most acute pangs of human suffering, whether from wound or sickness, might be quieted and laid asleep.

Twelve years of experience have proved this, and that it is one of the greatest medical discoveries the world has ever known.

Our National Government, competent institutions, and the great bulk of the medical profession, after most careful and patient investigation, have declared by whom this all-important fact was brought to light and promulgated. Their decision stands unshaken, notwithstanding the most persevering efforts of rival contestants. Yet, strange to say, to this day, it would have been vastly better for its author, his wife, and their children, if he had buried the secret, and permitted ages more to pass before it came to light.

In experimenting and establishing its importance, in making it public, and in appeals to Government—which, through its army and navy, has for years used it, and failed to pay for it—he has lost money, years and health.*

The battle-field in war, the cottage in peace, the hospitals throughout the land, have been blessed by its alleviation of misery; but no arm of power or hand of sympathy has been stretched in aid of the neglected benefactor, though millions of dollars could be raised to recover the discovery, if lost.

* "He became poor in a cause which has made the world his debtor. The committee have the highest medical authority for saying, that from living so much of late in an atmosphere of ether, from the anxiety attending the various trials and experiments connected with the discovery, and from the excitement caused by the controversies which it has occasioned, the health of Dr. Morton has become such that he is unable to attend to his professional duties."—*Report of the Massachusetts General Hospital*, 1848.

All must admit that its value to mankind is such as to justly merit for its author a fit acknowledgment, especially in our own country, which is his birthplace, and which is honored by the discovery.

The undersigned, acting as an Executive Committee of the Physicians and Surgeons of New-York, who are participating with their professional brethren in Boston in raising a national fund to recompense Doctor Morton, are confident that they but interpret the sentiment of thousands when they assert that the wealthy of this great and prosperous city, who have been, and must continue to be, benefited to an incalculable extent by this appliance, will desire to see its author, (whose expenditures to secure these benefits have left him poor in a cause which has made the world his debtor,) in the absence of Government recompense, at least reimbursed and indemnified for his losses by individual subscriptions.

Entertaining these views, we have the honor of soliciting the subscriptions of our fellow-citizens in aid of this fund.

A person duly authorized by Mr. James Brown, receiver for New-York will wait upon you.

(Signed,)

JOHN WATSON, M. D., *Chairman*,
 VALENTINE MOTT, M. D.,
 JOHN W. FRANCIS, M. D.,
 JOSEPH M. SMITH, M. D.,
 WILLARD PARKER, M. D.,
 GURDON BUCK, M. D.,
 JAMES R. WOOD, M. D.,
 J. MARION SIMS, M. D.,

Executive Committee in behalf of the
 Medical Profession in the City of New-York.

PROCEEDINGS

At a Meeting of the Medical Profession of New-York.

On the 24th of June, a meeting of medical gentlemen, interested in raising a national testimonial for the benefit of the discoverer of Anæsthesia, was held at the residence of Dr. WILLARD PARKER.

The hour for organization having arrived, Dr. PARKER addressed the meeting, explained its objects, and proposed for President Dr. JOSEPH M. SMITH; which nomination, having been seconded, was voted upon, and carried. Dr. GURDON BUCK was then elected Corresponding Secretary, and Drs. BIBBINS and THOMAS, Recording Secretaries.

The meeting being now duly organized, the business of the evening was called for, and proceeded in this wise:—

1st.—Dr. JOHN WATSON read a list of the names of some of the most prominent, benevolent and wealthy of the citizens of New-York, and proposed that each gentleman present should charge himself with visiting such of them as he had most influence with, and raising as large subscriptions as possible to head the list. This was acted upon; a list of one hundred names was read, and the duty of canvassing them assumed by various gentlemen composing the meeting.

2d.—Dr. BUCK moved that a committee of medical men be appointed to confer with gentlemen out of the profession as to the most efficient means for accomplishing the end in view. This was seconded by Dr. PARKER, and carried. On the Committee, the President then appointed Drs. JOHN W. FRANCIS, VALENTINE MOTT, JAMES R. WOOD, WILLARD PARKER, JAMES MINOR, GURDON BUCK, JOHN WATSON, and J. MARION SIMS; and upon motion of Dr. SAYRE, the President was added to it. This committee, it was agreed, should meet at the house of Dr. PARKER at an early date.

3d.—It was then moved by Dr. PARKER, that a committee of one selected from the Medical Board of each public charity of the city and

its vicinity should be appointed to wait upon the Boards directing the various institutions, and solicit donations in behalf of the object which has called us together this evening. This motion was seconded by Dr. WATSON, and carried. The following appointments were then made by the Chair:—

<i>New-York Hospital,</i>	-	-	-	-	Dr. GURDON BUCK.
<i>Bellevue</i>	"	-	-	-	" JAS. R. WOOD.
<i>Emigrants'</i>	"	-	-	-	" J. M. CARNOCHAN.
<i>St. Vincent's</i>	"	-	-	-	" WM. H. VAN BUREN.
<i>St. Luke's</i>	"	-	-	-	" BENJ. OGDEN.
<i>Jews'</i>	"	-	-	-	" J. MOSES.
<i>Women's</i>	"	-	-	-	" J. M. SIMS.
<i>Child's</i>	"	-	-	-	" G. T. ELLIOTT, Jr.
<i>Quarantine</i>	"	-	-	-	" ELISHA HARRIS.
<i>New-York Lying-in Asylum,</i>	-	-	-	-	" T. F. COCK.
<i>Brooklyn City Hospital,</i>	-	-	-	-	" HUTCHINSON.
<i>Long Island College Hospital,</i>	-	-	-	-	" AYRES.
<i>Colored Home Hospital,</i>	-	-	-	-	" FITCH.
<i>New-York Eye Infirmary,</i>	-	-	-	-	" DUBOIS.
<i>New-York Ophthalmic Hospital,</i>	-	-	-	-	" GARRISH.

* * * * *

4th.—It was moved by Dr. WATSON, that the minutes of this meeting be transmitted to Dr. WM. T. G. MORTON, by the Secretary, which was carried.

No further business appearing, the meeting then adjourned.

JOSEPH M. SMITH, M. D., *President.*

GURDON BUCK, M. D., *Corresponding Secretary.*

T. GAILLARD THOMAS, M. D., *Recording Secretary.*

THE NEW-YORK APPEAL.

The Medical Profession have, from the earliest ages, felt the need of some safe and efficient agent for annulling pain.

The ordinary anodynes, long in use, have never supplied this deficiency, and the various new agents which, within the past sixty or eighty years, have been substituted for these, have, until recently, proved either too dangerous or too unreliable to be employed in general practice.

Wine and strong alcoholic drinks, given in such quantity as to induce intoxication, were occasionally employed, even before the commencement of the present century, for rendering persons insensible to the pain of surgical operations. With the same end in view, some surgeons, addressing the intellect, were in the habit of exciting sudden fear, alarm, or astonishment, to divert the attention of their patients. Others, again, resorted to the uncertain and inexplicable influence of mesmerism. Still more recently, the nitrous oxide gas, administered by inhalation, has, as originally suggested by Sir Humphrey Davy, been employed for producing temporary loss of consciousness. But this, too, after a fair trial, has failed, and the hopes founded upon it have proved nugatory and delusive. So that up to this point, the want of a reliable agent for rendering the human body insensible to pain—a want so long felt, and to obviate which so many fruitless efforts had been made—was still to be supplied. That want, however, has since been fully met.

The first great triumph of placing in the hands of the profession an agent capable of rendering the patient safely, and, at will, utterly insensible to the stroke of the surgeon's knife, was in detecting and establishing by experiment by anæsthetic powers of sulphuric ether. For this discovery the world is indebted to Dr. Wm. T. G. Morton, of Boston.

Whatever may have been the steps preliminary to this remarkable discovery, Dr. Morton's claim to it is established beyond all controversy;

and his merit in this respect, with those who have taken the trouble to inform themselves on the subject, can be no longer a question of dispute.*

Nor can the importance of his early investigations and experiments, under the guidance of Providence, in reference to the properties and uses of ether, be, at the present day, too highly estimated. The introduction of this agent as an anæsthetic, and of the various other agents of the same class—as chloroform, amylene, and the like—to which this directly led, has done more for the mitigation of human suffering than any other discovery, with the exception, perhaps, of vaccination, for

* The following extract from a letter addressed to the Editor of the *New-York Times*, by Dr. John Watson, President of the Academy of Medicine and Chairman of the Executive Committee, is a sufficient verification of this statement :—

To the Editor of the New-York Times :

An article appeared in your issue of the 15th, under the caption "Who invented Anæsthesia?" which though written in an apparently candid spirit, and with a desire to present to your readers the facts in the history of the discovery of Anæsthesia, is nevertheless vitiated by an imperfect knowledge of the controversy to which that discovery has given rise, besides being of a nature to obscure truth and do great injustice, (where I am sure there was no such intention.)

You state what is very true when you say that "it is a source of national pride that the boon is of American origin, and none could hesitate, were its undoubted author indicated, to award to him the highest honors;" and it is no impulse of mere enthusiasm, but a sober judgment of the reason which leads you to add—"It still remains, and always will, that the man who convinced the world that by the simple inhalation of an agreeable vapor, surgery could be divested of its terrors, half the primal curse that was laid upon woman be removed, and innumerable lives saved to the world, was the noblest benefactor of the human race, that the nineteenth century has yet produced."

Be assured, sir, it is no longer a matter of doubt to whom we are indebted for this noblest benefaction of the nineteenth century to the human race, and I am happy to believe that the people of this city, State and country, will not hesitate to discharge their debt. Twelve years of controversy with *post facto* claimants have only established more and more impregnably, the claims of Dr. Wm. T. G. Morton, of Boston, Mass., to the exclusive honor of placing in the hands of the medical profession, an agent capable of rendering the patient safely and at will, utterly insensible to the stroke of the surgeon's knife—the honor of detecting and establishing by experiment, the anæsthetic powers of sulphuric ether. Twelve years of bitter and relentless persecution, such as has rarely fallen to the lot of any public benefactor in an enlightened age or community, a competency entirely expended in discovering and making known this agent, professional prospects destroyed, health ruined, and years of unsuccessful application to Congress for justice, have only increased the obligation under which this community rests.

The great body of the medical profession of this city, and of the physicians and surgeons to the various hospitals and infirmaries, in their appeal for a national testimonial for the benefit of Dr. Morton, say : "Whatever may have been the steps preliminary to this remarkable discovery, Dr. Morton's claim to it is established beyond all controversy, and his merit in this respect, with those who have taken the trouble to inform themselves on this subject, can be no longer a question of dispute."

As the chairman of their Executive Committee, I feel it incumbent upon me, not to recite the

which the world is indebted to medical science in either ancient or modern times.

The benefit derived from these newly discovered agents is not confined to the hardier procedures of operative surgery. They are now in hourly requisition in every quarter of the civilized world for suspending all sense of suffering during the severest throes of childbirth, for arresting convulsions, for relaxing spasms, for suspending volition and overcoming muscular resistance during the reduction of fractures and dislocations, for allaying restlessness, wakefulness, and morbid excitability; even for assuaging the pangs of approaching dissolution, not to speak of the

history of this obsolete controversy, which no man who is thoroughly informed upon the subject will now attempt to renew, but to refute the mistaken statements of your article in a more simple and expeditious way, by showing you the immense preponderance of competent, unprejudiced, and in many cases unsolicited, testimony standing on record in Dr. Morton's favor—testimony, I venture to say, which, whether tried by the rule of quality or quantity, was never surpassed, and never equaled in behalf of any previous discoverer.

In his application to Congress for remuneration, Dr. Morton has had favorable reports from the majorities of every committee in both branches of every Congress, which has ever examined his claims, with a single informal exception—the consequence of a proposition made by Dr. Morton himself, in order to promote a complete judicial inquiry.

After repeated failures to obtain justice from Congress—failures which no one familiar with the political history of the past ten years, and the difficulties which all private claims encounter, will wonder at—Dr. Morton received an indorsement of his claim from a majority of both branches of Congress, embracing the names of Senators Bell, Brown, Seward, Shields, Hamlin, Sumner, Rockwell, Gwin, Clayton, Johnson, Houston and Chase, and the leading members of the Lower House, including the present Speaker and Vice-President. All these gentlemen united in petitioning the Executive to purchase Dr. Morton's patent for the use of the departments. In this petition the chiefs of the Army and Navy Bureaus of Medicine and Surgery concurred.

The most eminent statesmen and jurists in the United States, who professionally have examined the subject, have unanimously recognized Dr. Morton's claim to the sole honor of the discovery. Among them are such names as Daniel Webster, Rufus Choate, Geo. T. Curtis, Chas. Sumner, Geo. S. Hillard, Judge McLean, Robert C. Winthrop, Governor Banks, ex-Governor Briggs, ex-Governor Morton, P. W. Chandler, R. H. Dana, Jr., W. Whitting, J. M. Carlisle, and many others. Some of the most distinguished citizens of Boston, the city of Dr. Morton's residence, and professional study and practice, award him the exclusive honor, and for years many of them have contributed liberally of their influence and aid to enable him to secure from Congress his just claims, and have stood by him in every storm of obloquy, persecution and malevolent misfortune he suffered. Amos A. Lawrence, J. A. Lowell, Wm. H. Prescott, Jared Sparks, H. W. Longfellow, Samuel A. Appleton, John Lowell, John P. Cushing, J. T. Stevenson, John Gardner, Thos. B. Curtis, N. J. Broditch, Charles H. Mills, Samuel A. Elliott, David Sears, Ed. Wigglesworth, J. B. Bradlee, Josiah Bradlee, James A. Lawrence, Thos. Lee, J. B. Forbes, Moses Grant, Wm. Kopes, C. C. Chadwick, Wm. Perkins, Chas. Amory, Alexander H. Vinton, D. D., S. K. Lothrop, D. D., Edward N. Kirk, D. D., Bp. John B. Fitzpatrick, N. Adams, D. D., Prof. Benjamin Pierce, F. D. Huntington, D. D., and hosts of others whom it would be tedious to enumerate, now support his claims.

Among the members of his own profession, Dr. Morton has been not less successful in securing an almost unanimous verdict. The Massachusetts Medical Society, which includes the bulk of the profession in that State, almost to a man have acknowledged Dr. Morton's claims as a discoverer, recog-

almost innumerable minor uses to which they are applied, as well in the investigation as in the treatment of disease.

In view of these advantages from the use of anæsthetics, we feel that Dr. Morton—the first to demonstrate their safety and efficiency, and to establish them in general practice—has conferred a boon upon humanity as imperishable as it is important, and one of such a character as to entitle him to rank among the benefactors of mankind.

As members of the medical profession in the city of New-York, and as physicians and surgeons to the various hospitals and infirmaries in this city and its vicinity, we therefore rejoice to learn that a movement has been commenced by our professional brethren and other gentlemen of Boston, to establish a national testimonial, by voluntary subscriptions for the benefit of Dr. Morton. In this movement, after full deliberation and consultation among ourselves, we are ready to participate in accordance with the plan of those who originated it, which plan is set forth by the gentlemen of Boston in the following terms.*

Under governments more arbitrary and restrictive than our own, but more capable of meeting the claims of science, the awards of merit are not usually left, as with us, to the bounty of private individuals. Discoveries and improvements of infinitely less importance to science or humanity, than that for which we are indebted to Dr. Morton, are at the courts of Europe promptly met by national honors and emoluments.

In our own country, it is true, the National Government, after carefully investigating Dr. Morton's claims, has acknowledged the benefit he has conferred upon it, but has nevertheless failed, as yet, to supply the recompense.

nized their debt as physicians and men, and have appended their signatures, numbered by hundreds, to a memorial asking aid from Congress—a memorial headed by such honored names as John C. Warren, Geo. Hayward, S. D. Townsend, J. Mason Warren, S. Parkman, Henry J. Bigelow, Henry S. Clark, Jacob Bigelow, President of the Academy of Arts and Sciences, Oliver Wendell Holmes, H. J. Bowditch, Walter Channing, John Ware, James Jackson, and many others of equal or less repute. It is noteworthy that many of these gentlemen were connected with the Massachusetts General Hospital at the time Dr. Morton made his first successful public exhibition of the use of ether: and in this enumeration I should not forget to mention that so competent a tribunal as the Trustees of that Hospital—the most competent and most familiar with every fact in the history of the discovery—after a thorough investigation, decided, once and for all, in Dr. Morton's favor, and one hundred other citizens united in presenting him a silver casket containing \$1,000, and subsequently petitioned in his behalf.

No body, either legislative or scientific, has ever overruled this decision. * * * * *

* See Appendix A.

With these remarks, we have the honor of recommending Dr. Morton's claims for remuneration to the consideration of our fellow-citizens, and of soliciting their subscriptions in behalf of the fund which it is proposed to raise for his benefit.

What the Government in this respect has failed to do, it is to be hoped, for the credit of the American name, and from the noble individual examples already set, that the discerning and liberal people of the United States will not leave entirely unaccomplished.

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JOHN H. GRISCOM, M.D.,	"	GURDON BUCK, M.D.,	Attn'g Sur.
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GEO. T. ELLIOTT, M.D.,	"	W. PARKER, M.D.,	"
		STEPHEN SMITH, M.D.,	"

Nursery Hospital, Randall's Island.

HENRY N. WHITTELSEY, M.D., Resident Physician.

Quarantine Hospital, Staten Island.

R. N. THOMPSON, M.D., Health Officer Port of New-York.
THEO. WATSON, M.D., Ass't Physician, Quar. Hospital.

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		THOS. C. FINNELL, M.D.,	" "

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ALEX'R B. MOTT, M.D.,	" "		

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Colored Home Hospital.

G. A. SABINE, M.D.,	Cons'g Surg'n.	J. S. THEBAUD, M.D.,	Cons'g Surg.
W. PARKER, M.D.,	" "	J. D. FITCH, M.D.,	Resident Phys'n.

Women's Hospital.

J. MARION SIMS, M.D., Surgeon

New-York Lying-in Asylum.

T. F. COCK, M.D.,	Cons'g Physic'n.	G. T. ELLIOT, M.D.,	Cons'g Physic'n.
J. T. METCALFE, M.D.,	"		

Nursery and Child's Hospital.

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E. H. DAVIS, M.D., Prof. of Mat.Med.	H. G. COX, M.D.,
B. F. BARKER, M.D.,	Prof. of Theory and Practice.
Prof. of Obstetrics.	E. R. PEASELEE, M.D.,
R. OGDEN DOREMUS, M.D.,	Prof. of Physiology.
Prof. of Chemistry.	CHAS. A. BUDD, M.D.,
	Lecturer on Obstetrics.

New-York Pathological Society.

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Brooklyn City Hospital.

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 WILLARD PARKER, M.D., Professor of Surgery.
 JOS. M. SMITH, M.D., Professor of Mat. Med.
 C. R. GILMAN, M.D., Professor of Obstetrics.

University Medical College.

WM. H. VAN BUREN, Professor of Anatomy.
 ALFRED C. POST, M.D., Professor of Surgery.
 J. T. METCALFE, M.D., Professor of Practice.

Appendix A.

THE BOSTON APPEAL.

To the Public.

The power of etheric vapors to produce a safe insensibility to pain during surgical operations, and on other occasions of great physical suffering, is one of the most beneficent discoveries that has been conferred upon the human race. It is generally conceded that Dr. W. T. G. MORRIS, of Boston, was instrumental in presenting this fact to the world. Nearly the whole of the Medical Profession [see page 17, *et seq.*] of this city, in the midst of whom the discovery was made, together with other bodies of competent persons, who have investigated its origin, have, after careful scrutiny, concurred in assigning this merit to Dr. MORTON—and public opinion has long since affirmed their verdict.

It is not necessary to enter in detail into the circumstances which have prevented Dr. MORTON from receiving any pecuniary benefit from this discovery.

The fact is certain, that Dr. MORTON has been an instrument, under Divine Providence, of introducing to the world one of the most remarkable discoveries of this or any other age, and that he has received no reward for it but the consciousness of having done so.

We are sure that we interpret the feelings of thousands, when we say that a substantial national memorial should be presented to Dr. MORTON.

How often has the poor sufferer risen from beneath the surgeon's knife, with nerves untouched by the slightest sensation of the torture that would otherwise have been his! How often has the mother passed in unconscious slumber, through "the perils of childbirth," to wake to her new happiness, without one memory of its agonies, and breathed, with the prayer of thanksgiving to God, a thought of him—to her perhaps, the unknown discoverer—whose happy conception, perseverance and courage, first established the astonishing fact, that the human frame may suffer all the conditions, and not one of the sensations of pain! What has already occurred throughout the whole world, since this discovery was made—in hospitals, in private chambers of the sick, on fields of battle, on the ocean, and on the land—wherever humanity undergoes the "ills that flesh is heir to,"—is to occur through countless ages, while the race is left upon earth! And yet, year rolls after year, and the spontaneous gratitude that is felt and uttered, whenever and wherever this great discovery is used or contemplated, finds no permanent voice, because no efforts are made to concentrate and direct it to its object.

We propose that such efforts be now made. We think that the people of the United States, acting individually, should do what their government has neglected, or been unable to do. [See page 20 *et seq.*] National testimonials, established by the voluntary contributions of individuals, have been adopted in all countries, to mark the public sense of services to the human family, especially when such services have reflected honor and distinction upon the country where they have been performed.

We propose that a national subscription be instituted, the avails of which shall be paid into the hands of THOMAS B. CURTIS and CHARLES H. MILLS, Esquires, as Trustees—to be held, appropriated, and invested upon such trusts, and for such uses, for the benefit of Dr. MORRIS, as the Trustees may determine.

The following gentlemen, as Bankers, have agreed to receive for the Trustees any sums paid to them for the purpose above mentioned:—

JAMES BROWN, New-York.	W. E. BOWEN, Philadelphia.
W. H. GRAHAM, Baltimore.	JAMES ADGER, Charleston.
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Persons who are willing to co-operate in this measure are respectfully invited to subscribe their names, and the amount of their subscription. A duly authorized agent will call upon them for the amount.

JAMES JACKSON,
JACOB BIGELOW,
S. D. TOWNSEND,
JOHN JEFFRIES,
EDWARD REYNOLDS,
JOHN HOMANS,
M. S. PERRY,
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Bishop of Boston.
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WILLIAM DEHON,
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F. D. HUNTINGTON,
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ALEXANDER H. RICE,
ROBERT C. WINTHROP.

MEMORIAL

OF THE

MEMBERS OF THE MASSACHUSETTS MEDICAL SOCIETY.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled :

The undersigned hereby testify to your honorable body, that in their opinion Dr. William T. G. Morton first proved to the world that Ether would produce insensibility to the pain of surgical operations, and that it could be used with safety. In their opinion, his fellow-men owe a debt to him for this knowledge. Wherefore, they respectfully ask a recognition by Congress of his services to his country and mankind :—

JOHN C. WARREN, M.D., *Senior Surgeon Massachusetts General Hospital, and late President American Medical Society, and Emeritus Professor of Anatomy of Harvard University.*

GEORGE HAYWARD, M.D., *President Massachusetts Medical Society, and Surgeon Massachusetts General Hospital.*

J. MASON WARREN, M.D., *Surgeon Massachusetts General Hospital.*

S. D. TOWNSEND, M.D.,

“ “ “ “

S. PARKMAN, M.D.,

“ “ “ “

HENRY G. BIGELOW, M.D., “ “ “ “ and
Professor of Surgery Harvard University.

HENRY G. CLARK, M.D., *Surgeon Massachusetts General Hospital, and City Physician.*

JACOB BIGELOW, M.D., *Professor Materia Medica Harvard University, and President of the American Academy of Arts and Sciences, and Physician to Massachusetts General Hospital.*

OLIVER W. HOLMES, M.D., *Professor of Anatomy Harvard University.*

HENRY I. BOWDITCH, M.D., *Physician Massachusetts General Hospital.*

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M. S. PERRY, M.D., “ “ “ “

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GEORGE C. SHATTUCK, M.D., } Consulting Physicians and Surgeons Mas-
JOHN JEFFRIES, M.D., } sachusetts General Hospital.
EDWARD REYNOLDS, M.D., }

EDWARD REYNOLDS, M.D., } Massachusetts Charitable Eye and Ear In-
R. W. HOOPER, M.D., } firmmary.
GEORGE A. BETHUNE, M.D., }

JOHN L. FOX, M.D., *Surgeon United States Navy, Chelsea Naval Hospital.*

Members of Massachusetts Medical Society.

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John Homans, *President*
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FRAMINGHAM.

Simon Whitney,
Allston W. Whitney.

MILFORD.

Francis Leland,
Theodore O. Cornish.

MEMORIAL

OF

SENATORS AND REPRESENTATIVES OF CONGRESS.

To the President and Secretaries of War and Navy of the U. S. :

The undersigned, members of the Senate and House of Representatives, concur in recommending that the right to use Dr. Morton's discovery, commonly called "Practical Anæsthesia," be purchased for the public service, or that the use thereof be discontinued, because the government is manifestly bound by its own patent, duly issued, to respect the said discovery as private property, and because "*private property*" ought not to be "*taken for public use without just compensation.*"*

United States Senators.

James C. Jones, Tenn.
Jno. Bell, "
Geo. W. Jones, Iowa,
Ben. Fitzpatrick, Ala.
C. C. Clay, Jr. "
A. G. Brown, Miss.
S. Adams. "
Jas. Shields, Ill.
J. D. Bright, "
J. P. Walker, Wis.
Henry Dodge, "

J. B. Thompson, Ky.
Chas. T. James, R. I.
Philip Allen, "
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H. Hamlin, "
Charles Sumner, Mass.
Julius Rockwell, "
James Cooper, Pa.
† John B. Weller, Cal.
W. M. Gwin, "
J. M. Clayton, Md.

W. K. Sebastian, Ark.
R. W. Johnson, "
Samuel Houston, Texas.
† Wm. H. Seward, N. Y.
Arch. Dixon, Ky.
J. P. Benjamin, La.
B. F. Wade, Ohio.
S. P. Chase, "
† S. R. Mallory, Florida.
A. C. Dodge, "

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Samuel Mayall, "
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L. Washburn, Jr., "
T. J. D. Fuller, "

Samuel H. Walley, Mass.
Alex. De Witt, "
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Thomas D. Eliot, "
J. Z. Goodrich, "

N. P. Banks, Jr., Mass.
Edward Dickinson, "
J. Wiley Edmands, "
Samuel L. Crocker, "
Alvah Sabin, Vt.

* Constitution United States, Amendment, Article V.

† Mr. Mallory, Mr. Seward, and Mr. Weller sign under the following qualification :—" I respectfully suggest that the patentee of the anæsthetic agent known as Dr. Morton's discovery, should receive from the United States a liberal compensation for their past and future use of it "

Representatives to Congress—(Continued.)

B. B. Thurston, R. I.	W. S. Ashe, N. C.	R. H. Stanton, Kentucky.
Thomas Davis, "	R. C. Puryear, "	John M. Elliot, "
Tho's W. Cumming, N.Y.	John Kerr, "	James S. Chrisman, "
T. R. Westbrook, "	H. M. Shaw, "	C. S. Hill, "
John Wheeler, "	James L. Orr, S. C.	Lewis D. Campbell, Ohio.
Gerrit Smith, "	P. S. Brooks, "	W. R. Sapp, "
Peter Rowe, "	W. W. Boyce, "	J. R. Giddings, "
Wm. M. Tweed, "	L. M. Keitt, "	Ed. Wade, "
Charles Hughes, "	D. A. Reese, Geo.	M. H. Nichols, "
G. Dean, "	James Abercrombie, Ala.	J. S. Harrison, "
Jared V. Peck, "	W. R. Smith, "	J. L. Taylor, "
R. W. Peckham, "	J. F. Dowdell, "	A. Harlan, "
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Henry Bennett, "	A. E. Maxwell, Florida.	Thomas Richey, "
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A.C.M. Pennington, N.J.	D. B. Wright, "	E. B. Washburne, "
George Vail, "	W. P. Harris, "	J. O. Norton, "
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G. R. Riddle, Del.	John C. Breckenridge, Ky.	M. S. Latham, "
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	L. M. Cox, "	

Appendix B.

HISTORICAL STATEMENT.

The foregoing pages set forth in outline the fact that there is a very general movement among the American people, inaugurated by leading members of the profession in Boston and New York, in behalf of one of the most praiseworthy objects which can appeal to patrons of science or the friends of humanity. They show that the noble work is at last undertaken, which for more than twelve years has been neglected by Congress, to preserve the shelter of a home for the family of a nation's benefactor, still living, from the clamorous creditors to whom it was pledged for debts incurred in making and promulgating a discovery which, though leaving the discoverer poor, has made the whole world his debtor, and to place their future life beyond the chances and vicissitudes of fortune, by the purchase of an annuity.

The discovery made by Dr. Wm. T. G. Morton of Boston, of the anæsthetic properties of sulphuric ether, and the safety, certainty and reliability of its effects in making the severest surgical operations, childbirth and other scenes and conditions of physical suffering, perfectly painless, is a discovery already ranked by the medical profession above that of vaccination by Jenner, to whom the English Parliament voted large sums of money, and for whom national testimonials were raised and medals struck in other nations; a discovery whose benefits are not confined to the subjugation of pain, but which are continually unfolding in new departments of the healing art.

This national movement was with great propriety inaugurated in Boston, the city where the discoverer lived and practised his profession, and where the first successful painless surgical operation was performed. An organization to raise a national testimonial fund in his behalf, with trustees residing in Boston, and treasurers in the principal cities in the United States, is already established. Though it has hardly passed

beyond its inchoate period, it has enlisted the energetic co-operation of some of the most eminent and patriotic persons in the Union. All will learn with surprise that two hundred thousand dollars will not more than reimburse the discoverer of this anæsthetic agent for his outlays in making experiments which led to the discovery, in establishing its value, in compelling its acceptance by the world in spite of incredulity and indifference, in establishing the priority of his claims over *post facto* discoverers, and in applications to Congress to induce them to reimburse him for his actual expenditures.*

A handsome beginning for the collection of this sum has already been made, though much remains to be done. The fund has received, as was most fitting, from the medical institutions of Boston and vicinity, and from eminent and wealthy persons residing in that seat of literature and science, munificent subscriptions. New-York, too, represented in the same way by her medical institutions, and her wealthy citizens, has shown an equal promptitude in discharging this debt of honor, too long owing to a nation's benefactor.

Such is a brief and general statement of the objects to be accomplished, and the present state of the enterprise.

It is not necessary to argue at any great length for the character or success of this undertaking. That would be almost an insult to the long list of men distinguished in all the professions, and honorably known in commerce or in the more secluded walks of private life, who now appeal to the public at large to do justice in this matter. To doubt its success would be to challenge the sincerity of the great bulk of the medical profession in Massachusetts and New-York, who ask subscriptions to this fund; would be to say, that the world had gone back in the present century, and that the justice given to Jenner who conquered small-pox in the last century, would be denied to Morton, who may be said to have conquered pain in this.

It may not be out of place, however, to recall here the universal thrill of joy that was felt when it was first announced to the world, how the subtle spirit of ether would almost everywhere subdue pain, in the severest surgical operations, in the pangs of parturition, in the numberless cases at the hospitals, on battle-fields in time of war, in cottages, "in piping times of peace," removing, as has been well said, "half the primal

* Vide p. 449, "Trials of a Public Benefactor," by N. P. Rice. Putney & Russell, New-York.

curse," and more than justifying the unstinted praise of the foregoing appeal of the medical profession in New-York, which says:—

"In view of these advantages from the use of anæsthetics, we feel that Dr. Morton—the first to demonstrate their safety and efficiency, and to establish them in general practice—has conferred a boon upon humanity as unperishable as it is important, and one of such a character as to entitle him to rank among the benefactors of mankind."

Neither is this the place or time to set forth as they deserve the labors and the sufferings which Dr. Morton has undergone in the twelve years which have succeeded his great discovery. The story of his wrongs, his patience, his perseverance, his unconquerable energy, his poverty, his enthusiasm, his success in achieving an imperishable honor, and his failure in obtaining the slightest emolument for an invaluable discovery, which the world now freely and daily uses, has more than the interest of a romance.* They constitute a record which, except it is ended by the success of the movement whose inauguration has been set forth in the foregoing pages, will stand a burning disgrace and scandal to the profession and the world which have appropriated and used a discovery, and left the discoverer to starve. Shall it be said that, through his connection with so great a benefaction to the human race, Dr. Morton is to be left unable to preserve to his children the paternal acres pledged in securing it, unable to educate his children, without any adequate means of support; and worse than all, unable to secure for himself that quiet mode of life demanded by the ruined health consequent upon his hazardous experiments and upon living in an atmosphere of ether for so many months, and upon the labors and sufferings which he underwent in detecting and establishing the anæsthetic properties of the sulphuric ether? These appellants have therefore left his claims upon Congress to be settled in another manner, and now appeal directly to the heart of the country, which rarely fails to disprove the heartless maxim that "republics are ungrateful," and which will never suffer a state of things so discreditable as that which we have briefly depicted, long to last.

Some misapprehensions to be removed, which are not unusual in cases of this kind, and which in the case of the appeal for the subscriptions to the Mount Vernon fund, Mr. Everett did not think it unworthy of considerable effort to obviate, will justify us for protracting these remarks a

* See "Trials of a Public Benefactor."

page or two farther. These misapprehensions arise from Dr. Morton's course in not enforcing his patent from the first, and in seeking redress from government alone for its infringement.

Let us here remark that Mr. Everett, in his appeal to the Mount Vernon fund, has said, *mutatis mutandis*, precisely what may be said of this discovery of etherization, the sole and only patent of which rests in Dr. Morton's possession, violated innumerable times, but whose infringement has been punished in the case of no individual. These are Mr. Everett's words:—"Nominally private property, and belonging to a private individual, the public in effect lays claim to it, takes possession of it, occupies it, or at least overruns it. They ought to possess themselves legally of the property, and not insist upon using it illegally, * * * they ought not to permit him to be burdened with a nominal possession, unaccompanied with any genuine enjoyment of his property, while they are exercising upon it themselves the most absolute acts of ownership."

These are incontrovertible arguments, the dictate at once of justice and of common sense. While it remains a fact, that the public disregard the rights of the discoverer of etherization, it is unfair to reproach the government, as many do; for, considered as a constitutional question, it is doubtful if Congress has any power to do more than make a fair appropriation to pay for its use of ether in the national hospitals, and army and navy, leaving the public at large still to pay for its own use. To what an almost incredible extent the labors and discovery of Dr. Morton have been appropriated by the public, a few facts show. Setting aside the grand fact of the patent which he possesses, and of which, and to which, every use of ether is an injunction, there still remain the unrewarded, onerous and unremitting labors of more than eleven years. Passing over the enervating results of his experiments, it is well known that scientific men from all parts of this and other countries, the press, the public, the medical and surgical professions, at once seized, appropriated and used his results, to which he, in the exercise of the purest philanthropy, gave the widest publicity. Meanwhile he was answering, with his own hand, thousands of letters, hurrying hither and thither for month after month in administering the ether safely and carefully in public institutions and private practice, instructing competent agents and dispatching them to all parts of the country, writing, talking, publishing, hardly ever knowing a full night's rest, de-

fending his discovery against the opposition of incredulous, or indifferent, or envious persons, and finally triumphantly vindicating the safety, certainty, and success of the anæsthetic properties of sulphuric ether, placing the human race under a lasting obligation, but leaving himself, as we have said, homeless, penniless, with a lost profession, and a ruined health. Saying nothing of all the subsequent labor in vindicating his claims, such is the extent to which other men have entered into and appropriated his labors, and such has been his reward.

It is not to be wondered at that the human race should wish to avoid the pains of childbirth or the tortures of surgery, but because the boon is priceless, there is therefore no reason for setting at naught all the laws of private property in securing it. The correct dictates of simple morality will add that if an equivalent for his discovery can never be paid, as it never can, at least he should be reimbursed for actual deficits and loss.

Nor is the discoverer barred from the right to require remuneration from the hands of the people because he has not seen fit to enforce his patent. No one will deny his right to enforce it if he had chosen. To say that he has been generous is not to say that they may be unjust. If they demand that he shall for any reason of generosity or professional etiquette make his discovery itself free, let them begin by reimbursing his actual expenditures establishing its value. For until that was done he could never have been in a position to exercise his philanthropy or his patriotism. His discovery seemed incredible; many doubted, others disbelieved, some were indifferent, and all more or less incredulously wondered. Years of labor and expensive publicity were necessary to reveal the value of the boon he gave to the race. Without such labor, without the obstinate incredulity and indifference still more obstinately overcome, his discovery would have fallen valueless from his hands, and by this time have been forgotten by the great majority of the profession, and feared by patients to such an extent that those who remembered the first marvellous result of the operations in the Massachusetts General Hospital in 1846, would rarely or never have been permitted an opportunity to repeat them.

Nor can the public longer avoid the obligation imposed upon them by using the discovery of anæsthesia on the ground that there is a doubt as to whom rightfully the return should be made. After many years of controversy, bitter and relentless on the part of his rival claimants, and which has constituted no small part of his labors and sufferings, the

claims of Dr. Morton are virtually everywhere recognized and the question set aside by the great bulk of the medical profession, both in quality and quantity, as no longer a mooted one.* Besides these numberless and incontrovertible certificates to its authenticity, a patent secured under the Constitution of the United States stands unquestioned, from which none have ever appealed to a legal tribunal, to which there are no rival patents, and which it has never been attempted for one moment by any person whatever to set aside. In justice to Dr. Morton, it should be known that he has repeatedly refused offers of a tempting amount from private parties desirous to purchase his patent and to organize a joint-stock company and take measures for its universal enforcement. If his object had been a selfish or mercenary one, he might have placed himself and his children in affluence long ago. But he has invariably refused these offers, and still continues in poverty and distress of mind, body and estate, rather than sully the bright record which it is his privilege to have filled with the history of a benefaction to humanity. And it should not be forgotten that the efforts now in progress to obtain justice from Government were instigated at the suggestion of the President of the United States, and in order that the Government might see its way clear legally and fairly to pay for the benefits it had received, thus aiding the national testimonial fund now in process of accumulation.

Upon the Government his reliance might be vindicated by the orderly processes of law. Upon the public at large, his reliance must be vindicated by their sense of justice and generosity. He has not appealed, and will not appeal, to any less lofty motive. This is sacrifice enough for him to make. No more can be asked. Therefore, excluding the idea of enforcing the patent in private cases, there is no way in which the public can turn its present illegal enjoyment of the discovery (the character of which is not essentially altered by the consent of the owner, and which rises into a shame and disgrace, when is considered the duress of circumstances under which he labors and has labored) into a legal, honest possession, except by paying the discoverer a fair equivalent, or at least, since that is impossible, by reimbursing him in some way or other. It was hoped that Congress would have done this for themselves and the public. There were strong reasons in favor of that course, while it was

* Vide Letter of the Chairman of the Executive Committee to the Editor of the *New-York Times*, p. 8 of this pamphlet.

urged by others that Congress has no power to purchase discoveries for the use of the people, and thus far all proposals made in Congress for this purpose have met with no success.

The only remaining course, therefore, by which the public can honestly become possessed of the discovery of etherization, is that now actually resorted to. It is set forth in the foregoing pages.

It is true that this mode of raising funds to consummate a simple act of justice is laborious and tedious. The present success of the movement shows, however, that that is the only great objection, and that individuals and institutions, and the country at large, are ready and anxious to discharge their obligations. The "ether controversy" has had the one good effect of waking up the public to the existence of those obligations. The sum required to accomplish the reimbursement and effect the designs of the appellants, is, as we have said, a large one, and its collection by individual contributions over an extent of country so vast as ours, is one of time; but it will derive an additional value as coming directly from the people, and the zeal and energy with which it has been entered upon by the profession in this city and elsewhere, is the best augury of success. May it soon be impossible for one of the greatest benefactors of the human race who has appeared in this century, to say, "It were better for me, infinitely better for me and my wife and children, better for me and them in all respects, if I had buried the secret of the victory over pain in my breast forever, and suffered centuries to elapse before it came forth to the knowledge of the world by some other hand, than to do as I did—hasten to make it known by all forms and modes of speech, and at every risk of health, property, and even life!"

